

**Statement of Tomyly L. Whaley**

On March 1, 2007, Tomyly L. Whaley, employee of Bureau of Conveyances (BOC), Department of Land and Natural Resources (DLNR), State of Hawaii (SOH) was contacted by Hilton J. Lui. Upon contact Whaley was informed by Lui that he has been retained as an Investigator for the Hawaii State Ethics Commission whose Executive Director is Dan Mollway. Whaley advised her current address is 37-389 Hui Iwa Street, Unit 2, Kaneohe, HI 96744 and her work telephone number is 587-4413.

Whaley did not request any Union representation for the interview.

Whaley advised she was first employed at the BOC either in 1996 or 1997 on a temporary assigned basis as Administrative Secretary to W. Mason Young. Young was assigned at that time as Administrator of the BOC whose purpose at the BOC was to handle personnel matters. Whaley advised as part of her functions she handled the leave and grievance records for the employees. Whaley assumed that position for three to four years and left in August of 2000. Whaley recalled that Carl Watanabe's leave records were one of the records which she took care of. Whaley recalled there were two specific times where Watanabe took leave. Once he took his son to the mainland for maybe a sports or school for about a week. The second was for an Obon festival where he volunteered for something. Watanabe took about two or three days on that leave. Whaley did not know how many leave days Watanabe accumulated per year. Whaley added when you reach a maximum of 740 hours, if you do not take leave before the 31<sup>st</sup> of December you lose or forfeit it.

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Whaley advised during the first Christmas she was at the BOC she became aware that title companies would bring things. Young came up with an idea where everyone in the BOC would partake of whatever was being given as a gift. Young came up another idea that whatever was contributed would be created into a gift grab bag kind a thing. If there was a big gift bag of goodies she was in charge where she would break it apart and put a number on it and on the day of the Christmas party each person would pick a number and each person in the office would receive something that was contributed. This continued every Christmas that she was there. Whaley advised the major contributors were title companies like Title Guaranty, Old Republic, and all the companies that came to the BOC to do business. These gifts were given to the men and women across the hall what is known as the Receiving Area in addition to Carl Watanabe and Nicolene Gega-Chang. They were the main recipients of all the gifts. After Young made the suggestion at one of their staff meetings which included all the Registrars, Assistant Registrars, Carl Watanabe and Branch Chiefs and it was agreed upon that all employees would get something or no nothing. That is how they came up with the Christmas grab bag. Whaley advised aside from the gift bags or baskets, there was cookies, candy, fruits, cheese, etc. Whaley was not aware of gift certificates or any trips. Whaley advised that if Young felt that the gift was questionable like a neighbor island trip, or a one night stay at a hotel Young would not accept that. Whaley added she and Young monitored what was accepted, but never saw anything that needed to be returned.

Whaley advised while she was at the BOC she recalled Nicolene Gega-Chang, Michelle Pang, Kaiulani Lambert, and Janice who used to work there went to Las Vegas but did not know how the trip was

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financed. Whaley advised Young took business trips during the time she worked there, but Watanabe did not take any. Whaley was not aware of any company who provided supplemental payment for trips and hotels.

Whaley advised she maintained leave records under lock and key in the administrative office but Watanabe could get access. Whaley advised she sends the original leave record to personnel.

Whaley advised when scanning technology improved Young, Watanabe and Michael Pietsch, who she believed to be the owner of Title Guaranty agreed to have staff members from Title Guaranty come to the BOC premises and put in scanners at the BOC for the incoming documents. Whaley added whatever was burned on a CD, one would be for the BOC and the other for Title Guaranty. Microfilming was still being done then.

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